

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JAY RALSTON, On Behalf Of Himself And
All Others Similarly Situated,

Plaintiff,

v.

MORTGAGE INVESTORS GROUP, INC.;
MORTGAGE INVESTORS GROUP, a
general partnership; COUNTRYWIDE HOME
LOANS, INC. AND DOES 3-10,

Defendants.

Case No. 08-CV-00536 JF (PSGx)

**ORDER CONCERNING CLASS ACTION
SETTLEMENT**

Courtroom: 3 - 5th Floor
Judge: Hon. Jeremy Fogel

By Order dated September 19, 2013 (“Final Approval Order”) (Dkt. No. 426), this Court granted final approval to the Parties’ class action settlement.¹ Under the terms of the Settlement, the amount of the Consideration to be distributed to each eligible Class Member who is not a Successful Opt-Out is dependent upon a number of variables, including some that could not be finally determined until after the date of the Final Approval Order. As a result, only estimated distribution amounts were provided in the Class Notice approved by this Court and mailed to the Class Members. This Court received no objection or comment to this aspect and content of the Class Notice.

All of the variables relating to the Consideration are now known and this Court has been advised of the basis and calculations for (a) the final amounts of the Consideration and (b) the final distribution categories. These final amounts and categories are, as they always have been under the terms of the Settlement Agreement, based on the original principal balance of each eligible Class Member’s Loan and the length of time during which that Class Member made payments on that Loan. The final amounts of the Consideration and final distribution categories are as follows:

Time Period of Active Loan Payments

<u>Original Loan Balance</u>	<u>0 to 23.9 months</u>	<u>24 to 59.9 months</u>	<u>60 months-plus</u>
\$0 to \$299,999.99	\$238.14	\$647.53	\$1,176.37
\$300,000 to \$450,000	\$641.09	\$888.59	\$2,141.14
\$450,000.01-plus	\$816.64	\$1,469.33	\$2,578.67

Representative Plaintiff and Class Counsel agree with Counsel for the Defendants that the adjustment of the estimated Consideration amounts and distribution categories previously set forth in the Class Notice to the final Consideration amounts and distribution categories reflected above is necessary and appropriate.

This Court hereby approves the categories and sums reflected above as the final distribution categories and Consideration amounts to be distributed to each eligible Class Member

¹ Capitalized terms in this Order shall, unless otherwise defined herein, have the same meaning as in the class action settlement agreement on file with the Court (Dkt. No. 386-2).

1 who is not a Successful Opt-Out. This Court further finds that, in the context of this Settlement,
2 there is no material difference between these final distribution categories and Consideration
3 amounts (less than 5%) and the distribution categories and estimated Consideration amounts
4 previously set forth in the Class Notice. Under all of the circumstances, this Court finds that the
5 requirements of Fed. R. Civ. P. 23(e) and due process remain satisfied, and that the Settlement
6 remains fair, reasonable and adequate under Fed. R. Civ. P. 23. Accordingly, Benefit Checks in
7 the final amounts of the Consideration set forth above for each distribution category shall be sent
8 to each eligible Class Member who is not a Successful Opt-Out in accordance with the terms of
9 the Settlement Agreement.

10 IT IS SO ORDERED.

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12 Dated: November 21, 2013

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JEREMY FOGEL
United States District Judge